

From: Morgan, Jeanette
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Solid Waste & Emergency Response Law News for August 18, 2015

Bloomberg BNA Daily Environment Report™

Hazmat Transport

Maryland Judge Orders Disclosure of Oil Train Data

Notices of oil train movements provided to Maryland officials aren't exempt from disclosure under the state's Public Information Act because they don't constitute confidential commercial information, a Maryland circuit...

Superfund

EPA Adds 21 Sites, Deletes 90 From Waste Docket

The Environmental Protection Agency has added 21 sites and deleted 90 from its hazardous waste compliance docket, according to a notice in the Aug. 17 Federal Register. The additions and deletions bring the new number of federal facilities...

Superfund

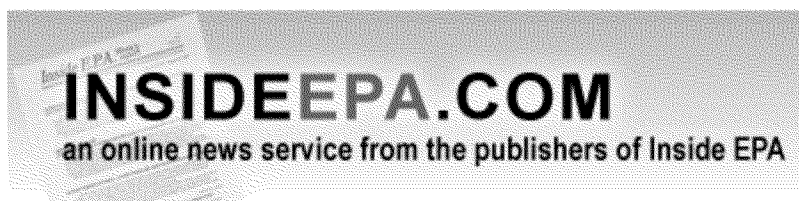
Water Act Lawsuit Barred as Challenge to CERCLA Cleanup

A Clean Water Act citizen suit seeking to address contaminated groundwater migrating from a Superfund site is barred as a challenge to an ongoing Superfund cleanup, a federal court in Nevada ruled (Diamond X Ranch LLC v. Atl. Richfield Co.,...

Water Pollution

EPA Inspector General Investigating Animas River Spill

The Office of the Inspector General for the Environmental Protection Agency said it will investigate the cause and EPA's response to the release of 3 million gallons of mining waste and sediment into the Animas River in southwest Colorado....



Inside EPA's **Risk Policy Report**, 08/18/2015

<http://insideepa.com/newsletters/risk-policy-report>

Latest News

Utilities Claim EPA Lacks Authority For Ash Rule's Groundwater Mandates

Power companies are urging a federal appeals court to scale back or eliminate groundwater protection provisions in EPA's first-time Resource Conservation & Recovery Act (RCRA) coal ash disposal rule, arguing the agency lacks authority for those requirements and for mandates on closed "legacy" ash sites and other facilities.

News Briefs

EPA IG Researching Colorado Mine Wastewater Spill

EPA's Inspector General (IG) is starting preliminary research into the cause of, and the agency's response to, the recent Gold King Mine wastewater spill in Colorado during an EPA cleanup operation that released 3 million gallons of water containing heavy metals, saying the study responds to a congressional request.

Greenwire

RAIL:

Freight lines can't hide info about crude transport -- judge

Sean Reilly, E&E reporter

Published: Monday, August 17, 2015

A Maryland judge has ruled against two freight railroads that had sued to keep secret information on oil train shipments through the state.

In separate decisions issued Friday, Baltimore City Circuit Judge Lawrence Fletcher-Hill ruled that CSX Transportation Inc. and Norfolk Southern Railway Co. had failed to make a case that the information on train routes and types of crude going through Maryland should be kept from public view.

In a May 2014 emergency order, the U.S. Department of Transportation began requiring railroads to provide those details to state emergency response commissions. The two railroads filed suit last summer after the Maryland Department of the Environment agreed to release the information in response to a request under the state open records law, arguing that it should be kept confidential under exemptions covering trade secrets and commercial information.

In his decision to throw out both suits, Fletcher-Hill said the railroads had failed to meet the standards needed to trigger those exemptions but temporarily stayed his order to give them time to decide whether to appeal or seek a further stay. Spokespeople for CSX, headquartered in Jacksonville, Fla., and Norfolk Southern, based in Norfolk, Va., did not immediately reply to requests for comment today.

Applauding Fletcher-Hill's decision was the Chesapeake Climate Action Network, which has also filed a request for the crude-by-rail information. "This is a significant victory for transparency and for Maryland residents living along the path of oil trains," Anne Havemann, the group's general counsel, said in a statement.

While the disclosure issue has arisen in other states, the Maryland litigation marked the first time that a railroad had gone to court to block release of the information, according to the network.

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